

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:18-cv-00332-MR**

KAYIE WRIGHT,)	
)	
Plaintiff,)	
)	
vs.)	
)	
HERBERT CORPENING, et al.,)	<u>ORDER</u>
)	
Defendants.)	
_____)	

THIS MATTER is before the Court Plaintiff's Motion for Order Compelling Discovery [Doc. 41]; Plaintiff's Motion for Default Judgment [Doc. 43]; and Defendants' Consent Motion to Extend Case Management Deadlines [Doc. 47].

The incarcerated *pro se* Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983. The Court¹ allowed the Complaint to pass initial review on several claims. [See Doc. 10]. Defendants waived service and filed an Answer. [Docs. 22, 30].

Plaintiff filed a Motion for Summary Judgment that was docketed on January 6, 2020. [Doc. 31]. Defendants' counsel filed a Motion for Extension of Time asking the Court to make their response to Plaintiff's Motion for

¹ At that time, the case was assigned to Judge Frank D. Whitney.

Summary Judgment due the same day as the deadline for filing dispositive motions. [Doc. 33]. The Motion was granted and the parties' deadline for filing dispositive motions and Defendants' deadline to respond to Plaintiff's Motion for Summary Judgment were set for the same day.² [Docs. 35-36].

First, Plaintiff seeks to compel discovery. He argues that Defendants' responses to his discovery requests are overdue and he seeks \$2,500 in expenses for Defendants' failure to timely respond. The Motion to Compel will be denied as moot because the discovery deadline has not yet expired.³

Second, Plaintiff has filed a Motion for Default Judgment based on Defendants' alleged failure to respond to his discovery requests and to his *pro se* Motion for Summary Judgment. The Motion for Default will be denied because neither the discovery deadline nor the deadline within which to respond to Plaintiff's Motion for Summary Judgment has expired. [See Docs. 35, 36, 40].

Finally, Defendants seek another extension of the discovery and dispositive motions deadlines. Counsel for Defendants has been unable to complete responses to Plaintiff's discovery requests due to past and

² These deadlines were subsequently extended. [Doc. 40].

³ The Court notes that the *pro se* Motion to Compel was filed while Plaintiff was represented by North Carolina Prisoner Legal Services for purposes of discovery. As Plaintiff was represented by counsel at the time, his *pro se* motion is procedurally improper.

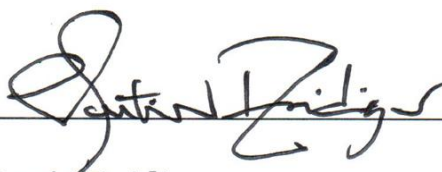
upcoming work demands. NCPLS consents to the extension. [Doc. 47 at 4]. Defendants' Motion to extend the discovery and dispositive motions deadlines will be granted for good cause shown until September 2, 2020 and October 2, 2020, respectively. However, the Motion to extend the deadline for Defendants to respond to Plaintiff's Motion for Summary Judgment will be extended only until September 2, 2020. No further extensions of that deadline will be granted except on a showing of extraordinary circumstances.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Order Compelling Discovery [Doc. 41] and Plaintiff's Motion for Default Judgment [Doc. 43] are **DENIED**.

IT IS FURTHER ORDERED that Defendants' Consent Motion to Extend Case Management Deadlines [Doc. 47] is **GRANTED** to the extent that the parties shall have until **September 2, 2020** to complete discovery and until **October 2, 2020** to file dispositive motions. Defendants shall have until **September 2, 2020** to respond to Plaintiff's Motion for Summary Judgment.

IT IS SO ORDERED.

Signed: July 23, 2020



Martin Reidinger
Chief United States District Judge

